

I. Claims Rejected Under 35 USC §112

The Examiner has rejected Claim 6 under 35 USC §112, second paragraph asserting that the limitation "the detector" in Claim 6 lacks antecedent basis. Applicants have amended Claim 6 to correct the dependency and therefore the antecedent basis. Applicants respectfully request that the rejection be withdrawn.

II. Claims Rejected Under 35 USC §102

The Examiner has rejected Claim 3 and Claim 9 under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,617,418 issued to Shirani (hereinafter "Shirani"). Applicants respectfully traverse this rejection.

It is axiomatic that to anticipate a claim, every element of the claim must be disclosed within a single reference. Applicants respectfully submits that Shirani fails to teach or suggest "the second networking device automatically identifying from the cable the first networking protocol..." Rather, Shirani discloses identifying from a pulse driven on transmission lines of the cable, i.e. the "link test pulse, the mode in which a remote node is operating." Clearly, interpretation of a data transmission on the transmission lines is very different from an automatic determination based on the connection itself. Accordingly, Applicants respectfully submits that the rejection of Claim 3 should be withdrawn.

Independent Claim 9 contains an analogous limitation "detecting in a first device of the pair from the cable..." and, therefore, analogous arguments apply. Applicants respectfully request withdrawal of this rejection.

III. Claims Rejected Under 35 USC §103

The Examiner has rejected Claim 10 under 35 USC §103 as unpatentable over Shirani in view of U.S. Patent No. 6,178,180 issued to Eng (hereinafter "Eng"). Applicants respectfully traverse this rejection.

As an initial matter, Eng fails to cure the deficiencies discussed above in connection with Shirani. Accordingly, Claim 10 is patentable as dependent on a patentable independent claim. As an additional matter, there is no motivation to combine Shirani with Eng because neither T1

nor E1 protocols include a pulse analogous to the link test pulse. The Eng system with Shirani would necessitate introducing non-compliant signaling on the T1 or E1 line for protocol identification. Thus, Applicants respectfully submit that there is no motivation to combine the references set forth by the Examiner. Accordingly, for this additional reason, it is respectfully submitted that the rejection of Claim 10 should be withdrawn.

IV. Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 1-2, 4-8 and 11 contain allowable subject matter.

CONCLUSION

In view of the foregoing, it is submitted that all claims now pending patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: October 30, 2002

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231 on October 30, 2002.

Susan M. Ocegueda
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10/30/2002
Date

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

The claim has been amended as follows:

6. (Amended) The system of claim ~~7~~5 wherein the detector signals a software switch which selects a first set of configuration data to configure the device in a first protocol if the voltage is at the predetermined level and selects a second set of configuration data to configure the device in a second protocol if the voltage is not at the predetermined level.